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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,511	10/20/2000	Joel E. Short	42253/205408	7936
826	7590	12/11/2003	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			DUONG, THOMAS	
		ART UNIT		PAPER NUMBER
		2143		5
DATE MAILED: 12/11/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/693,511	SHORT ET AL.	
	Examiner	Art Unit	
	Thomas Duong	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 October 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 October 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

2. The drawings are objected to because they are not presentable. A proposed drawing correction or corrected drawings are required in reply to the Office action

to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3, 7,12-15 and 17-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Ames et al. (US006058429A).
5. With regard to *claims 1, 7, 12-15 and 18-23*, Ames reference discloses,
 - *a processor (learning switch 200) that communicates with an access concentrator (local switch 134, 136 or 138) to determine connection ports of host-generated (local clients or servers) data packets; and* (Ames, col.3, lines 19-27, lines 49-55; module 200 on sheet 2, fig.2).
 - *a database (learning switch) that stores the connection port for the purpose of identifying connection ports within a network that have been granted network authorization* (Ames, col.3, lines 19-27; col.11, lines 42-44; module 200 on sheet 2, fig.2).

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6. With regard to *claim 3*, Ames reference discloses the invention substantially as claimed,

See *claim 1* rejection as detailed above.

Furthermore, Ames reference discloses,

- *wherein the processor uses VLAN protocol as a communication link between the processor and the access concentrator* (Ames, col.4, lines 52-65; modules 102, 110 or 118 on sheet 2, fig.2).

7. With regard to *claim 17*, Ames reference discloses the invention substantially as claimed,

See *claim 7* rejection as detailed above.

Furthermore, Ames reference discloses,

- *wherein the network device further comprises a gateway device that provides subscribers network access* (Ames, module 126 on sheet 2, fig.2).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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9. Claims 2, 8-11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ames (US006058429A) and in view of Pitcher et al. (US006370142B1).
10. With regard to *claims 2 and 8-9*, Ames reference discloses the invention substantially as claimed,

See *claim 1 and 7* rejections as detailed above.

However, Ames reference does not explicitly disclose,

- *wherein the processor reads an identifier within a tagged portion of the data packet to determine connection ports of host generated data packets*
Pitcher teaches,
- *wherein the processor reads an identifier within a tagged portion of the data packet to determine connection ports of host generated data packets*
(Pitcher, col. 13, lines 49-58; col.14, lines 10-20)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Pitcher reference with Ames reference to conserve additional bandwidth by eliminating the exposure of uninterested traffic to certain stations (Pitcher, col.3, lines 43-46).

11. With regard to *claims 10-11 and 16*, Ames and Pitcher references disclose the invention substantially as claimed,

See *claims 8 and 13* rejections as detailed above.

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Furthermore, Pitcher reference discloses,

- *wherein tagging the data packets with a port identifier further comprises tagging the packets with a port identifier that corresponds to a media access control (MAC) address* (Pitcher, col. 13, lines 49-58; col.14, lines 10-20; col.15, lines 17-22; col.17, lines 35-39)

Furthermore, Ames reference discloses,

- *wherein tagging the data packets with a port identifier includes implementing the use of VLAN protocol* (Ames, col.4, lines 52-65; modules 102, 110 or 118 on sheet 2, fig.2).

12. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ames (US006058429A) and in view of Hunt et al. (US006539422B1).
13. With regard to *claims 4-6*, Ames reference discloses the invention substantially as claimed,

See *claim 1* rejection as detailed above.

However, Ames reference does not explicitly disclose,

- *wherein the processor further comprises a querying agent capable of requesting identification data related to the connection port of host-generated data packets*
- *wherein the querying agent uses Simple Network Management Protocol (SNMP) as the communication link between the network device and the access concentrator*

- *wherein the querying agent uses Extensible markup Language (XML) as the communication link between the network device and the access concentrator*

Hunt teaches,

- *wherein the processor further comprises a querying agent capable of requesting identification data related to the connection port of host-generated data packets* (Hunt, abstract, lines 9-14; col.5, lines 46-52; col.15, lines 57-63; modules 211-212 on sheet 2, fig.2; modules 905-906 on sheet 9, fig. 9A).
- *wherein the querying agent uses Simple Network Management Protocol (SNMP) as the communication link between the network device and the access concentrator* (Hunt, abstract, lines 9-14; col.5, lines 46-52; col.15, lines 57-63; modules 211-212 on sheet 2, fig.2; modules 905-906 on sheet 9, fig. 9A).
- *wherein the querying agent uses Extensible markup Language (XML) as the communication link between the network device and the access concentrator* (Hunt, abstract, lines 9-14; col.15, lines 39-43; module 231 on sheet 2, fig.2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Hunt reference with Ames reference to actively check the status of the network by monitoring various devices on the network (hubs, routers, bridges, etc.). Furthermore, the SNMP

protocol allows network administrator to manage and be notified in case of a problem in the network.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
 - Dobbins et al. (US005825772A)
 - Stone (US006041057A)
 - Kaycee et al. (US005889470A)
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 703/305-1886. The examiner can normally be reached on M-F 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703/308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703/872-9306 for regular communications and 703/872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/305-3900.

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Thomas Duong (AU2143)

December 9, 2003



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100